

**UNITED STATES OF AMERICA**

V.

**DAMON DOCK, JR.,**

Defendant.

Case No. 1:11CR00026-4

## OPINION AND ORDER

By: James P. Jones  
United States District Judge

Damon Dock, Jr., proceeding pro se, had filed a Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 that I dismissed on July 27, 2015, pursuant to the United States’ motion to dismiss. *United States v. Dock, Jr.*, 2015 WL 4529757, at \*1 (W.D. Va. July 27, 2015). I subsequently denied a Motion for a Certificate of Appealability (ECF Nos. 475-476) and a “Motion Requesting Additional Findings of Fact and Conclusions” (ECF Nos. 478-479). Thereafter, the United States Court of Appeals for the Fourth Circuit dismissed Dock’s appeal on January 20, 2016, and denied a petition for a rehearing on April 19, 2016. *United States v. Dock, Jr.*, 631 F. App’x 152, 152 (4th Cir. 2016) (unpublished).

Dock has now returned to this court with a motion for reconsideration

pursuant to Federal Rule of Civil Procedure 60(b)(1). Dock argues that I erred in dismissing an ineffective assistance of counsel claim based in part on a codefendant's allegedly exculpatory declaration. Dock has presented this claim to this court and the court of appeals four times, and each time the claim has been rejected because the Federal Rules of Evidence did not permit the declaration to be admitted. Furthermore, I already determined that even if the declaration was admitted, it would not have changed the outcome of the case. Accordingly, Dock still fails to establish that his present argument warrants relief via Rule 60(b)(1) or § 2255, and it is hereby **ORDERED** that Dock's motion for reconsideration (ECF No. 522) is DENIED.

ENTER: June 30, 2016

/s/ James P. Jones  
United States District Judge